IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

GARCIA GLEN WHITE,	X	
	X	
Petitioner,	X	
	X	
	X	
V.	X H-02-1803	5
	X	
RICK THALER, Director,	X	
Texas Department of Criminal	X	
Justice, Correctional Institutions Division,	X	
	X	
Respondent,	X	
	X	

Order Denying Petitioner's Motion To Alter Or Amend Judgment

On September 30, 2011, this Court entered judgment for the respondent and dismissed Petitioner Garcia Glen White's petition for a writ of habeas corpus with prejudice. On October 28, 2011, White filed a motion to alter or amend the judgment under Fed.R.Civ.P. 59(e)(Docket Entry 83).

A motion to alter or amend under Fed.R.Civ.P. 59(e) "must clearly establish either a manifest error of law or must present newly discovered evidence." *Schiller v. Physicians Resource Grp., Inc.*, 342 F.3d 563, 567 (5th Cir. 2003)(internal quotation marks omitted). "Relief under Rule 59(e) is also appropriate where there has been an intervening change in controlling law." *Id.* White fails to demonstrate grounds for relief.

White cites no new evidence or change in controlling law. While White disagrees with this Court's interpretation of controlling law and application of that law to the facts of this case, such disagreement does not clearly establish manifest error. White may, of course, press these arguments on appeal, but he is not entitled to the relief he seeks in this motion. Moreover, because this Court's finding that White has not demonstrated manifest error is not debatable among jurists of reason,

White is not entitled to a certificate of appealability from this Order. See Hernandez v. Johnson, 213 F.3d 243, 248 (5th Cir.), cert. denied, 531 U.S. 966 (2000). Accordingly,

IT IS ORDERED that Petitioner's Motion To Alter Or Amend Judgment (Docket Entry 83) is **Denied**; and

IT IS FURTHER ORDERED THAT no certificate of appealability shall issue.

SO ORDERED

SIGNED this 15 day of August, 2012.

JOHN D. RAINEY

SENIOR U.S. DISTRICT JUDGE